

REMARKS

Claims 1 - 24 are pending. Claims 1, 11, 18 and 21 are amended. Claims 3, 13 and 23 are canceled without prejudice to or disclaimer of the underlying subject matter. Claim 24 is new. No new matter has been added.

The present amendment accompanies the Request For Continued Examination (RCE) filed herewith under 37 C.F.R. § 1.114. Prior to continued examination of the subject application, Applicant respectfully requests entry of this amendment. Reconsideration and issuance of a Notice of Allowance are respectfully requested in view of the foregoing amendments and following remarks.

On pages 2-3 the Office Action rejects claims 1 - 6, 8 - 15, and 17 - 23 under 35 U.S.C. § 102(e) over U.S. Patent 6,876,988 to Helsper (hereafter Helsper), and responds to Applicant's previous arguments by asserting that "the term 'generic output' was never defined," that "as a matter of fact the term 'generic output,' is only recited in the claim language," that the "Examiner is interpreting 'generic output' as any type of data or output that results from or relates to the translating of collected service information," and that Helsper "still teaches of the generic output (col 2, lines 55 - 60)." This position is repeated in the Advisory Action.

The rejection over Helsper is respectfully traversed. Applicant incorporates herein all previous remarks and reiterates Applicant's position that the term "generic output" is clearly defined in the specification. See, e.g., Request for Reconsideration dated 2/13/06. That is, the "generic output" is an interface that allows the health metrics to be used without any need to know how the health metrics were derived, and that removes any dependencies between the services, their implementation, and the management tool set. As thus defined, the claimed generic output has a specific meaning that is not addressed in Helsper.

Moreover, Applicant has amended the claims to more clearly distinguish the claims over Helsper. Independent claim 1 recites "the generic output comprises one of a scriptable interface and an application programming interface usable by different performance monitoring tools." Support for these features can be found in the Abstract and specification at, for example, page 3, line 27 to page 4, line 4, and page 7, lines 19 - 23. Helsper does not disclose or suggest these features.

The Office Action mailed 6/3/05 states "Helsper teaches [] wherein the generic output comprises one of a scriptable interface and an application programming interface (Fig. 3b, 4a)." See Office Action dated 6/3/05, page 3, paragraph 6. However, Helsper describes Figure 3b as a pictorial representation of the dashboard interface 135, shown in Fig. 3a. See

Helsper, col. 12, lines 27 - 28 and col. 11, lines 46 - 48. The dashboard-type user interface 135 displays monitoring and control data associated with Helsper's forecasting system including data source identifiers identifying the system components or computer architecture. See col. 11, beginning at line 46. The interface 135 also shows status light indicators 337 that identify an impending status condition for each measured input value at a plurality of near-term future time points, and thus provide a quick snapshot of the monitored computer network's impending performance. Col. 12, lines 8 - 15. Helsper describes Figure 4a as a multi-window, browser-based screen 405 generated by the reporting user interface that illustrates the actual and predicted performance of the system. Col. 12, lines 63 - 65.

However, nowhere does Helsper disclose or suggest a generic output comprises one of a scriptable interface and an application programming interface, as claimed. Moreover, Helsper does not disclose or suggest that the generic output is usable by different performance monitoring tools, as claimed. For at least these reasons, claim 1 is patentable over Helsper.

Independent apparatus claim 11 recites "a data analysis engine that translates the collected service health information ... and provides one or more generic health metrics, wherein the one or more generic health metrics comprise one of a scriptable interface and an application programming interface usable by different performance monitoring tools." Helsper does not disclose or suggest health metrics comprise one of a scriptable interface and an application programming interface usable by different performance monitoring tools. Accordingly, claim 11 is also patentable.

Independent method claim 18 recites providing generic service health output that "comprises one of a scriptable interface and an application programming interface usable by the different performance monitoring tools." As described above, Helsper does not disclose or suggest these features. Accordingly, claim 18 is also patentable.

Independent apparatus claim 21 recites a health generator module including "an output module that outputs the generic health metrics, wherein the generic health metrics are in a format usable by different performance monitoring tools." As described above, Helsper does not disclose or suggest these features. Accordingly, claim 21 is also patentable.

Claims 2, 4 - 6, and 8 - 10 depend from patentable claim 1; claims 12, 14, 15 and 17 depend from patentable claim 11; claims 19 and 20 depend from patentable claim 18; and claims 22 and 24 depend from patentable claim 21. For these reasons and the additional features they recite, claims 2, 4 - 6, 8 - 10, 12, 14, 15, 17, 19, 20, 22, and 24 are also

patentable. Withdrawal of the rejection of claims 1 - 6, 8 - 15, and 17 - 22 under 35 U.S.C. § 102(e) is respectfully requested.

On page 3 the Office Action rejects claim 7 under 35 U.S.C. § 103(a) over Helsper in view of U.S. Patent 5,949,976 to Chappelle. This rejection is respectfully traversed.

Claim 7 depends from patentable claim 1, and for this reason and the additional features it recites, claim 7 is also patentable. Withdrawal of the rejection of claim 7 under 35 U.S.C. § 103(a) is respectfully requested.

On page 4 the office action rejects claim 16 under 35 U.S.C. § 103(a) over Helsper in view of U.S. Patent 6,647,413 to Warland. This rejection is respectfully traversed.

Claim 16 depends from patentable claim 11, and for this reason and the additional features it recites, claim 16 is also patentable. Withdrawal of the rejection of claim 16 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the above amendments and remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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